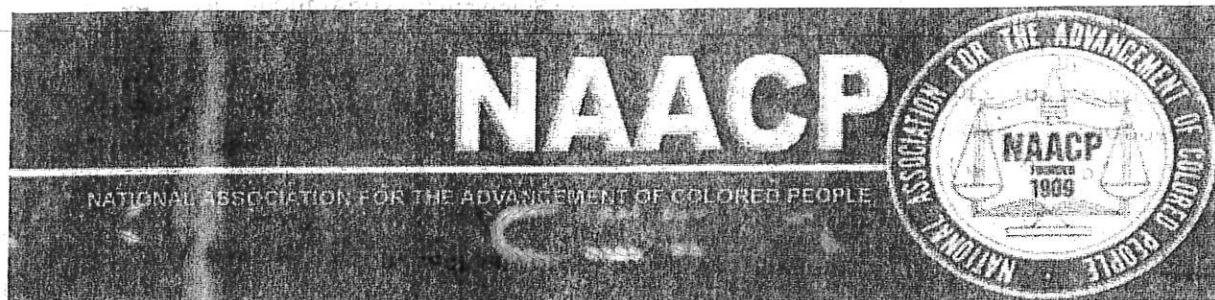




Berkeley Branch NAACP

P.O. Box 613
Berkeley, CA, 94701

December 3, 2012

Mayor Tom Bates
City of Berkeley
2180 Marina Street
Berkeley, CA 94704

Re: Allegations and concerns regarding unfair employment hiring, promotional practices, favoritism, and unfair treatment of African Americans in the City of Berkeley

Dear Mayor Bates:

The Berkeley Branch of the NAACP is writing to address allegations and concerns that were brought to our attention about unfair employment hiring, promotional practices, favoritism, and unfair treatment in the City of Berkeley. We do understand the parameters regarding confidentiality of personnel information, and it is not our intention to obtain confidential personnel information.

Numerous employees across different City departments met with the Berkeley Branch of the NAACP and lodged complaints regarding what they viewed as discriminatory employment practices. These complaints included unfair hiring, promotion, and retention strategies; cronyism and favoritism; and unfair treatment at the worksite. It was conveyed to us that there are many other city employees who have not come forward, primarily Black and Brown staff, who are stressed and fearful about reprisals, including losing their jobs with the City of Berkeley, should they speak out. Some of the employees we spoke with informed us that they have 10 – 20 plus years of public service with the City and have earned good and even outstanding performance evaluations. Some/many have received awards and positive acknowledgements for their work in the City of Berkeley.

The staff we spoke with believe people in positions of power in the City of Berkeley are manipulating the hiring, promotional, and job reclassification processes in order to unfairly hire, retain, or promote friends and individuals of their choosing; while, ignoring or manipulating objective hiring practices and protocols that are in place to ensure fair hiring practices and avoid impropriety.

Although, these concerns are allegations, we the Berkeley Branch of the NAACP, do take them seriously and believe that an external investigation into these allegations is warranted. We would like this external investigation to include city employees who resigned, were fired, or retired in the last three years as we have also been told that because of the conditions described above some people just gave up and moved on.

Below are some of the allegations, complaints, and concerns that were expressed by City of Berkeley employees:

Parks, Recreation, and Water Front Department

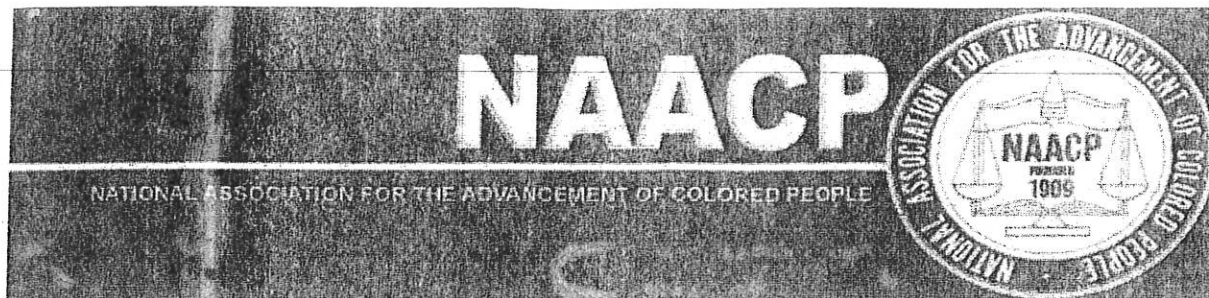
- Favoritism and manipulation of city hiring and promotional practices have been used to select Senior and Management personnel; No one of color selected for senior positions. Some of the manipulation includes using "interim" appointments to slide people into permanent positions without proper notice and posting of positions. White staff with 3 – 6 years in the department were given upward mobility opportunities over staff of color with 10 – 20 plus years of experience within the department
- African Americans with Entry Level positions have not been provided with upward mobility opportunities within the department. Keeping them on for years in a state of employment limbo. No benefits or job security, especially, young African American men within the department who serve a vital role particularly for young African American boys who see few employed Black men in the City of Berkeley
- Reclassification of R-2 positions to Monitors – Black and brown staff being replaced by white students with less experience and inadequate cultural competency
- Work Hours – People of color's work hours have been cut from 35-hours to 9-hours; some employees have ten or more years with the department
- Segregation of Recreational Programs and Services – low-income children summer program stationed in the *Field* and they were not allowed to participate with children whose parents could afford to pay for the *inside facility* summer program; These practices were conducted at the same site; Low-income children deprived of participating on field trips; No sliding scale and/or fee waiver in place for low-income families.

Mental Health Division

- Berkeley Mental Health Divisions' first African American Manager Resigned - She expressed concerns to some about the treatment she received from higher ups in the City
- Berkeley Mental Health Administration was dismantled – it primarily consisted of women of color in Program Administrator roles (All Mental Health Jurisdictions have a Mental Health Administration Unit with positions that work on State, County, and Local mental health matters)
- Individuals in the Administration Unit were required to take positions (without promotion and compensation) that were classified and compensated at higher levels for their predecessors. We believe this is a *Violation of the Equal Work for Equal Pay Act*
- Some BMH Program Administrators have been assigned *nine* different Supervisor's within a two-year time period (Most were novices in the area of mental health administration, most were former BMH clinicians)
- The Divisions Administration Unit was dismantled and various employees were deployed to different units within the City for a rental cost savings, however BMH section of 1947 Center Street, 3rd floor is still vacate; Some believe this dismantling of BMH Administration was due to personal bias by the powers that be
- Mental Health Management Team – Primarily white clinical staff; 40% of BMH clients are African Americans
- Creation of a Hostile Work Environment at Mental Health Clinics – Staff Overcrowding at Clinics; the clinics are already crowded and deploying more staff from downtown to these facilities will take away valuable client therapy space and the offices/work space of Interns and Co-workers – Negative comments and interaction about this matter is already surfacing amongst the overcrowded staff; while the previous BMH office space remains vacant.

Health, Housing & Community Services Department

- Favoritism has been used to select Senior and Management persons for Acting positions and promotions within the Health, Housing, & Community Services Department, all of whom were white
- Manipulation of the bumping and promotional processes to secure position for selected favorite staff within the department
- Staff with more time and experience were denied the opportunity to interview for promotional positions.
- Some staff with 20-years of city service earn less than staff with 3 – 5 years, due to the manipulation of the bumping and promotional process



- Top Down Management Style – Many staff work in fear and are not allowed to provide input; only a select few (favorites) are able to provide input about the department's work
- Employees that question the status quo are threatened with reassignment of work location (BMH staff) and/or their concerns are ignored
- Staff in this department have had the use of flex schedules taken away, while other departments continue to have flex schedules
- No African American men are in supervisory, senior or management positions within the department.

Diversity Task Force Report 2005 - Sustaining and Enhancing Diversity within the City of Berkeley Workforce

We were also informed that in 2005 the City Manager commissioned a Diversity Task Force. The process was facilitated by consultant Dan Bogan (Ex-City Manager of Berkeley) and the City of Berkeley EEOC Officer. The Diversity Report discussed issues related to maintaining and increasing a diverse workforce on all levels in the city, employment discrimination issues, and succession planning for the year 2010. The report provided recommendations to correct the problems related to diversity, fair promotional and upward mobility opportunities for people of color, and other serious employment concerns were highlighted in the report. An altered report was reportedly submitted to the City Council in 2006; the submitted report was missing several pages from the original document. The EEOC Officer has access to the complete original report. What was the City of Berkeley's action on the recommendations made in this report?

The Berkeley Branch of the NAACP has been working on a myriad of important issues affecting our city, including the privatization of our public housing stock-a stressful to many low-income African American families, Berkeley Unified School Districts' Achievement GAP which affects Black and Brown students, and the concern regarding BUSD's extremely low acceptance of Inter-District Transfers of African American students.

The Berkeley NAACP would like to work with the City of Berkeley in addressing inequities and disparities in the areas of education, housing, health, and employment as it relates to people of color and low-income city residents. We are committed to fighting for the rights of people of color and other marginalized communities. We know the City of Berkeley is just as interested as the Berkeley NAACP in investigating these allegations and clearing up this matter, therefore, we are requesting a speedy external investigation into these allegations.

Sincerely,

Carol McGruder, President
Berkeley Branch NAACP
cmcgruder@usa.net

Cc:

City of Berkeley Council Members
Senator, Loni Hancock
Alameda County Supervisor, Keith Carson
Peace and Justice Commission

Congresswoman, Barbara Lee
Assembly Member, Nancy Skinner
NAACP State President, Alice Huffman
Labor Commission